



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

MAY 02 2014

Ref: 8ENF-RC

GENERAL NOTICE LETTER
CERTIFIED MAIL: RETURN RECEIPT REQUESTED
7008 3230 0003 0726 3963

M2 Green Redevelopment, LLC
Ray Stillwell
President and General Counsel
601 East 3rd Street, Suite 302
Alton, IL 62002

Re: General Notice Letter for the Smurfit Stone Mill Site
Missoula, Missoula County, Montana

Dear Mr. Stillwell:

The U.S. Environmental Protection Agency (EPA) has received and reviewed your June 28, 2013, response to its April 3, 2013, information request letter, which was sent to you in connection with the Smurfit Stone Mill Site (the Site) located near Missoula, Montana. Based on your response and other available information, the EPA has determined that the M2 Green Redevelopment, LLC, may be responsible under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, for cleanup of the Site or costs the EPA has incurred or will incur in the future in cleaning up the Site.

Explanation of Potential Liability

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by the EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on the information collected, the EPA believes that M2Green may be liable under Section 107(a) of CERCLA, as an owner of the Site.

To date, the EPA performed site investigations and a removal assessment under the authority of the

Superfund Program in order to gain a basic understanding of any risks posed to human health and/or the environment by releases or threatened releases at and from the Site. On August 20, 2012, the EPA issued an "Analytical Results Report for a Combined Site Inspection and Removal Assessment" for the Site. Field work and sampling activities were conducted on surface and subsurface soil and sediment, and surface water and groundwater.

Information to Assist You

The EPA would like to encourage communication between you, other PRPs, and the EPA regarding the Site. The EPA recommends that all PRPs meet to select a "steering committee" that will be responsible for representing the group's interests. Establishing a manageable group is critical to successful negotiations with the EPA. If this is not possible, the EPA encourages each PRP to select one person from its company or organization to represent its interests to the EPA.

To assist you in your efforts to communicate, a list of names and addresses of PRPs to whom this letter is being sent is enclosed.

The documentation supporting the proposal to list the Site on the National Priorities List is available at the Missoula Public Library, 301 E. Main Street, Missoula, Montana, 59802. In addition, the EPA will establish an administrative record that contains documents that will serve as the basis for the EPA's selection of a cleanup action for the Site. The administrative record will be located at the Missoula Public Library. The administrative record will be available to you and the public for inspection and comment. The administrative record will also be available upon request at the Superfund Records Center, EPA Region 8, at 1595 Wynkoop Street, Denver, Colorado.

Resources and Information for Small Businesses

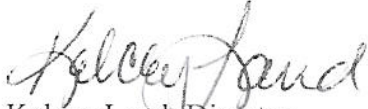
As you may be aware, on January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosps/bf/sblrbra.htm> and review EPA guidances regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>.

In addition, if you are a "service station dealer" who accepts used oil for recycling, you may qualify for an exemption from liability under Section 114(c) of CERCLA. EPA guidance regarding this exemption can be found on the Internet at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>. If you believe you may qualify for the exemption, please contact [name and phone number of attorney/RPM/enforcement specialist] to request an application/information request specifically designed for service station dealers.

The EPA has created a number of helpful resources for small businesses. The EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at www.epa.gov. In addition, the EPA Small Business Ombudsman may be contacted at www.epa.gov/sbo. Finally, the EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA), which is enclosed with this letter.

Please give these matters your immediate attention. If you have any questions regarding this letter, please contact Amelia Piggott, Enforcement Attorney, at 303-312-6410. Thank you for your prompt attention to this matter.

Sincerely,



Kelcey Landy, Director
RCRA/CERCLA Technical Enforcement Program
Office of Enforcement, Compliance,
and Environmental Justice



Andrea Madigan, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

cc: Amelia Piggott, 8ENF-L
Robert Parker, 8EPR-AR
Sara Sparks, 8MO
Sharon Abendschan, 8ENF-T

Tempkin, Wielga & Hardt, LLP
Elizabeth Tempkin, Esq.
Ryan Skylar, Esq.
1900 Wazee Street, Suite 303
Denver, CO 80211

List of PRPs Receiving General Notice Letters
Regarding Superfund Liability for the Smurfit Stone Site

PRP	Legal Counsel
Rock Tenn Company James Rubright Chairman and Chief Executive Officer 504 Thrasher Street Norcross, GA 30071 Rock Tenn Company Nina E. Butler Senior Vice President & Environmental Counsel 504 Thrasher Street Norcross, GA 30071 770-638-7597	Rock Tenn Company Roy Cobb, Esq. Senior Environmental Counsel Six City Place Drive Creve Coeur, Missouri 63141 314-656-5364
Montana Rail Link Thomas Walsh, President 101 International Drive Missoula, MT 59808 406-523-1434	Washington Corporations Karl M. Swanson 101 International Drive Missoula, MT 59808 406-523-1399
BNSF Railway Company Matthew Rose Chairman and Chief 2650 Lou Menk Drive Ft. Worth, TX 76131-2830 BNSF Railway Company Mark Engdahl Manager of Environmental Remediation 800 North Lost Chance Gulch, Suite 101 Helena, MT 59601	BNSF Railway Company Brooke Kuhl General Attorney 201 West Railroad Street Missoula, MT 59801 406-543-0019
M2 Green Redevelopment, LLC Raymond S. Stillwell President and General Counsel 601 East 3 rd Street, Suite 302 Alton, IL 62002 618-465-7277	Tempkin, Wielga & Hardt, LLP Elizabeth Tempkin, Esq. Ryan Skylar, Esq. 1900 Wazee Street, Suite 303 Denver, CO 80211 303-292-4922
International Paper John Vincent Faraci Chairman CEO 6400 Poplar Avenue Memphis, TN 38197	International Paper Brian E. Heim, Chief Counsel Legal Department 6400 Poplar Avenue Memphis, TN 38197

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Regarding Superfund Liability for the Smurfit Stone Site

PRP

Missoula County
Board of County Commissioners
Jean Curtiss Landquist, Chair
200 West Broadway
Missoula, MT 59802

Legal Counsel

Missoula County Attorney's Office
Martha E. McClain
Deputy County Attorney
200 West Broadway
Missoula, MT 59802
406-258-4779



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